

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-14 EA-12 EUR-12 NEA-11
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FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 1834

UNCLAS SECTION 01 OF 02 USUN NEW YORK 02312

E.O. 11652: N/A
TAGS: AORG
SUBJECT: UN ADMINISTRATION: SECRETARIAT RECOMMENDATIONS
TO CPC CONCERNING ELIMINATION OF REPERTORY OF PRACTICE
OF UNITED NATIONS ORGANS

REF: (A) STATE 138813, (B) USUN 2291

1. AS REPORTED REF B, CHAPTER 6 SECRETARIAT DRAFT
MEDIUM-TERM PLAN (MTP) FOR 1980-83 PROPOSES THAT
REPERTORY OF PRACTICE OF UN ORGANS, MANDATED BY 8TH,
10TH, 22ND, AND 27TH UNGAS, BE DISCONTINUED BEGINNING
WITH 1980. AS DEPARTMENT IS AWARE, REPERTORY IS A
COMPILATION OF ALL GENERAL ASSEMBLY AND OTHER UN ORGAN
DECISIONS CLASSIFIED BY ARTICLES OF THE CHARTER TO
WHICH THEY ARE RELATED. DRAFT MTP NOTES THAT REPERTORY
ORIGINALLY WAS AUTHORIZED TO ASSIST UNGA IN TEN YEAR
REVIEW OF CHARTER FORESEEN BY PROVISIONS OF ARTICLE
109, PARAGRAPH 3.

2. IN RECOMMENDING TERMINATION OF REPERTORY, SECRETARIAT
NOTES THAT PRESENT FORMAT, WHICH WAS DESIGNED ACCORDING
TO ORGINAL PURPOSE OF REPERTORY, REQUIRES "UNDULY LARGE
INPUT OF PROFESSIONAL TIME" BY LEGAL AFFAIRS OFFICE AND
OTHER SECRETARIAT ELEMENTS. SECRETARIAT QUESTIONS
WHETHER REPERTORY IS BEST DEVICE FOR ANALYZING AND
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REPORTING UN LAW. SECRETARIAT STATES THAT USEFULNESS
OF REPERTORY AS RESEARCH TOOL IS DIMINISHED BY
TEN YEAR BACKLOG WHICH HAS ACCUMULATED AS RESULT OF LOW
PRIORITY ASSIGNED THIS PUBLICATION BY SECRETARIAT ELEMENTS
OTHER THAN LEGAL AFFAIRS OFFICE. FINALLY, SECRETARIAT
STATES THAT EITHER RAPID UPDATING OR COMPLETE RESTRUCTURING
OF PUBLICATION IS "FAR BEYOND RESOURCES AVAILABLE" OR

WITHIN REASONABLE EXPECTATIONS OF SECRETARIAT. DRAFT MEDIUM-TERM PLAN ALSO STATES THAT OTHER LEGAL PUBLICATION PROJECTS OF LEGAL AFFAIRS OFFICE ARE "MORE URGENT" THAN REPERTORY.

3. PAUL SZASZ, UN GENERAL LEGAL DIVISION OFFICER RESPONSIBLE FOR REPERTORY, TOLD USUN TERMINATION OF REPERTORY WOULD RELEASE HALF OF TIME OF ONE LEGAL OFFICER ON HIS STAFF. SZASZ SAID AUGMENTATION OF RESOURCES NECESSARY TO BRING REPERTORY UP TO DATE (ISSUANCE OF TWO ADDITIONAL VOLUMES DURING MEDIUM-TERM PERIOD WOULD REDUCE CURRENT BACKLOG FROM TEN YEARS TO FOUR BY 1984) WOULD HAVE TO BE VIRTUALLY ACROSS THE BOARD--IN SUBSTANTIVE OFFICES OF UN WHERE ORIGINAL DRAFTS PRODUCED, IN DEPARTMENT OF CONFERENCE SERVICES WHICH EDITS, TRANSLATES, PUBLISHES AND DISTRIBUTES REPERTORY AND IN GENERAL LEGAL DIVISION WHICH PREPARES DRAFTS FOR ISSUE. SZASZ ANTICIPATED THAT WITHOUT INCREASE IN RESOURCES REPERTORY WILL FALL STEADILY FARTHER BEHIND. HE POINTED OUT CLASSIFYING ALL UN ACTIONS BY ARTICLE OF CHARTER IS DIFFICULT AND TEDIOUS, PARTICULARLY SINCE RELATIONSHIP OF EXPANDING NUMBER OF UN ACTIONS TO SPECIFIC CHARTER PROVISIONS IS TENUOUS AT BEST. CLASSIFICATION BY ACTIVITY WOULD BE FAR EASIER AND PRODUCE VERY USEFUL AND MORE USEABLE LEGAL HISTORY OF UN, SZASZ SAID.
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4. UN BUDGET DIVISION REGARDS LEGAL DIVISION'S IDENTIFICATION OF REPERTORY AS MARGINAL ACTIVITY ELIGIBLE FOR TERMINATION SOMETHING OF A LANDMARK IN SYG'S IMPLEMENTATION OF REPEATED GENERAL ASSEMBLY RESOLUTIONS CALLING UPON HIM TO IDENTIFY PROGRAMS THAT ARE MARGINAL, OBSOLETE OR COMPLETED. DEPARTMENT WILL RECALL THAT US REPRESENTATIVE IN 5TH COMMITTEE (THE HON. LESTER L. WOLFF) STATED IN EXPLANATION OF US FINAL VOTE ON 1978-79 PROGRAM BUDGET THAT FURTHER DELAY BY SECRETARIAT IN MAKING SUCH IDENTIFICATIONS "IS NOT ACCEPTABLE." GIVEN SECRETARIAT'S JUSTIFICATION FOR ELIMINATION OF THIS PUBLICATION AND REPEATED US INSISTENCE THAT SECRETARIAT TAKE ALL POSSIBLE STEPS TO CONTAIN GROWTH IN PROGRAM BUDGET AND DISCONTINUE OUTMODED ACTIVITIES, THERE IS MUCH TO BE SAID FOR US CONCURRING IN SECRETARIAT RECOMMENDATION.

5. NEVERTHELESS, THERE ARE COUNTERVAILING ARGUMENTS ON SUBSTANTIVE GROUNDS FOR RETAINING REPERTORY. IT IS A RESEARCH TOOL OF VALUE TO US AND OTHERS. IT GROUPS PRECEDENTS IN A PARTICULARLY USEFUL MANNER. BY DINT

OF ITS ORIENTATION IT IS A TOOL WHICH SUPPORTS
ESTABLISHED PRACTISE AND THUS CONDUCE TO ORDERLY
CONDUCT OF UN BUSINESS. ONCE AN INSTITUTION CEASES
TO KEEP TRACK OF THE BASIC CONSTITUTIONAL DECISIONS IN
AN ORDERLY MANNER IT CAN BE SAID TO HAVE LOST
FAITH IN ITS LONG-TERM VIABILITY. IN ADDITION TO THESE
REASONS, WE FIND THE REPERTORY USEFUL AND BELIEVE IT
ASSISTS OTHERS IN PERCEIVING THE INSTITUTION IN AN
ORDERLY AND ORGANIZED MANNER. WE WISH TO AVOID ANY
ACTION WHICH CAN BE SEEN AS A DECREASE OF FAITH IN

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THE CONSTITUTIONAL BASIS OF THE ORGANIZED
INTERNATIONAL COMMUNITY.

6. USUN REQUESTS INSTRUCTIONS ON THIS ISSUE, WHICH WILL
COME BEFORE CPC FOR RESOLUTION LATER THIS WEEK. YOUNG

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